

Message Text

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E.O. 11652: GDS

TAGS: TGEN, TOCY, PLOS, BR

SUBJECT: DELAY IN APPROVING SCIENTIFIC PROJECTS: MARINE
SCIENCE ASPECTS

REF: BRASILIA 2304 NOTAL

1. THIS PERTAINS TO MARINE SCIENCE ASPECTS ONLY.
2. DEPTOFFS RESPONSIBLE FOR MARINE SCIENCE OPERATIONS
SOMEWHAT SURPRISED AT SO NEGATIVE TONE OF REFTTEL. WHILE
THERE HAVE BEEN AND REMAIN SERIOUS PROBLEMS WITH REFERENCED
GOB DECREES, SITUATION SEEMS TO HAVE GENERALLY EASED IN
RECENT YEARS. USG HAS ALWAYS CONSIDERED GOB REQUIREMENTS
AS ONEROUS AND CERTAINLY OUT OF STEP WITH WORLD PRACTICE.
THUS DEPT HAS CONSISTENTLY ATTEMPTED TO SHAVE OR SKIRT
BRAZILIAN REQUIREMENTS IN SEEKING RESEARCH VESSEL CLEAR-
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PAGE 02 STATE 088914

ANCES. BRAZILIAN CLAIM TO 200 MILE JURISDICTION OVER
SCIENCE (1970 TERRITORIAL SEA CLAIM) COMPLICATED MATTER.

3. WE HAD CONSIDERABLE DIFFICULTY WITH BRAZILIANS AFTER
1968 DECREE AND U.S. MARINE RESEARCH OFF BRAZILIAN COAST
EVENTUALLY STOPPED. HOWEVER, AFTER PETROBRAS INITIATIVE
SEVERAL YEARS AGO TO BRING WOODS HOLE OCEANOGRAPHIC

INSTITUTION IN FOR COOPERATIVE RESEARCH GOB ATTITUDE

TOWARD U.S. OCEANOGRAPHIC RESEARCH HAS EASED AND SOME RESEARCH HAS BEEN RESUMED IN AREA. OTHER THAN PETROBRAS, BRAZILIAN SCIENCE INTERESTS APPEAR TO HAVE LITTLE INFLUENCE ON GOB CLEARANCE DECISIONS.

4. WE STILL HAVE PROBLEMS WITH GOB REQUIREMENTS, AND SOMETIMES DO NOT SUBMIT REQUESTS FOR THOSE REASONS. AT OTHER TIMES WE SUBMIT REQUESTS DELIBERATELY AT VARIANCE WITH REQUIREMENTS AND SOMETIMES TAKE THE CONSEQUENCES OF TURNDOWNS OR CANCELLATIONS, AS PROPOSED 1977 ALPHA HELIX OFFSHORE PROJECT. (NOTE HOWEVER THAT HELIX IS VIEWED IN SPECIAL LIGHT BECAUSE OF AMAZON CONNECTION.) WE HAVE OBTAINED SOME CLEARANCES WITHOUT FULFILLING ALL REQUIREMENTS OF DECREE.

5. BIGGEST ELEMENT OF PROBLEM IS 180 DAY REQUIREMENT. FOR A WHILE WE SIMPLY WOULD NOT MEET THIS. WHILE WE SOMETIMES DO NOW, WE WILL NOT ALWAYS. USG CONSIDERS LEAD TIME REQUIREMENT FOR R/V CLEARANCES OF MORE THAN 90 - 120 DAYS TO BE EXCESSIVE IN RECOGNIZED INTERNATIONAL PRACTICE AND 60 - 90 DAYS TO BE MORE THE NORM. AT SAME TIME WE ENCOURAGE INFORMAL SCIENTIFIC CONTACTS CONCERNING PROPOSED MARINE RESEARCH PROJECTS AS EARLY AS POSSIBLE, WHICH MAY BE WELL IN ADVANCE OF 180 DAYS.
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PAGE 03 STATE 088914

6. AS FAR AS GOB MARINE SCIENCE REGULATIONS BEING IN LINE WITH THOSE OF OTHER COUNTRIES (PARA 3(A) REFTTEL), GOB IS ABOUT AS FAR OUT OF LINE AS POSSIBLE. COUNTRIES WITH 180 DAY REQUIREMENTS AND/OR REGS AS COMPLEX AND DETAILED AS GOB'S CAN BE COUNTED ON ONE HAND. WHILE GOB REGULATIONS ARE SIMILAR TO LOS ICNT TEXT, NO COUNTRIES HAVE MOVED TO IMPLEMENT DETAILED SCIENCE PROVISIONS ALTHOUGH IN PAST YEAR NUMEROUS COUNTRIES HAVE PROCLAIMED SCIENCE JURISDICTION TO 200 MILES (WHICH WE CONTINUE NOT RPT NOT TO RECOGNIZE).

7. USG RECOGNIZES MARINE SCIENCE JURISDICTION AS FOLLOWS:

(A) ALL RESEARCH WITHIN THREE MILE TERRITORIAL SEA

(B) ALL FISHERIES RESEARCH WITHIN TWELVE MILES OF COAST

(C) ALL RESEARCH CONCERNING THE CONTINENTAL SHELF AND UNDERTAKEN THERE (1958 CONVENTION) AND

(D) FISHERIES RESEARCH WITHIN 200 MILES ONLY IF IT

INVOLVES COMMERCIAL TYPE GEAR OR COMMERCIAL CATCHES.

FYI: U.S. MARINE SCIENTISTS ARE INCREASINGLY CALLING

FOR CHANGE IN U.S. POLICY WHICH PRESENTLY PREVENTS U.S.
FROM RECOGNIZING FOREIGN CLAIMS OVER SCIENCE TO 200
MILES. END FYI. DEPT IS CAPABLE OF PROCESSING FOREIGN
REQUEST FOR CLEARANCE TO OPERATE IN U.S. AREAS WITHIN 24
HOURS BUT PREFERS AT LEAST SEVERAL WEEKS. WE HAVE ALMOST
NO DETAILED RULES.

8. EASING OF 180 DAY OR OTHER RESTRICTIONS ON MARINE
SCIENTIFIC RESEARCH WOULD BE VERY HELPFUL, BUT SHOULD
ONLY BE TAKEN UP IN CONTEXT OF OVERALL S AND T RELATIONS.
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PAGE 04 STATE 088914

WITH LOS CONFERENCE UNDER WAY, DISCUSSION OF MARINE
RESEARCH REQUIREMENTS ONLY SHOULD BE AVOIDED, AS WELL AS
COMPARISON OF GOB REQUIREMENTS TO ICNT SCIENCE PROVISIONS.
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